

AN ACT

relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter J, Chapter 21, Education Code, is amended by adding Sections 21.4555 and 21.4556 to read as follows:

Sec. 21.4555. CIVICS TRAINING PROGRAM. (a) To facilitate the teaching of curriculum consistent with Sections 28.002(h-2) and 28.0022, the commissioner shall develop and make available civics training programs for teachers and administrators.

(b) A civics training program developed under this section must include training in:

(1) the essential knowledge and skills for the social studies curriculum related to civic knowledge adopted under Section 28.002(h-2);

(2) guided classroom discussion of current events, as appropriate for the grade level and consistent with the restrictions under Section 28.0022;

(3) classroom simulations and models of governmental and democratic processes consistent with the requirements and restrictions of Sections 28.002(h-2) and 28.0022;

1 (4) media literacy, including instruction on
2 verifying information and sources, identifying and responding to
3 logical fallacies, and identifying propaganda, as appropriate for
4 the grade level and consistent with the restrictions under Section
5 28.0022; and

6 (5) strategies for incorporating civics instruction
7 into subject areas other than social studies.

8 (c) The commissioner by rule shall establish the grade
9 levels at which a teacher provides instruction to be eligible to
10 participate in a civics training program. In making the
11 determination, the commissioner shall include grade levels for
12 which the State Board of Education makes significant revisions to
13 the essential knowledge and skills for the social studies
14 curriculum under Section 28.002(h-2).

15 (d) Each civics training program developed under Subsection
16 (a) must be reviewed and approved by the State Board of Education.
17 The board shall annually review each program.

18 (e) Each school district and open-enrollment charter school
19 shall ensure that each district or school campus that offers a grade
20 level described by Subsection (c) has at least one teacher and one
21 principal or campus instructional leader who has attended a civics
22 training program. The agency shall provide assistance to school
23 districts and open-enrollment charter schools in complying with the
24 requirements of this subsection.

25 (f) From funds available for that purpose, a teacher who
26 attends a civics training program may receive a stipend in an amount
27 determined by the commissioner. A stipend received under this

1 section is not included in determining whether a district is paying
2 the teacher the minimum monthly salary under Section 21.402.

3 (g) The commissioner may delay implementation of Subsection
4 (e) to a school year not later than the 2025-2026 school year if the
5 revision of the essential knowledge and skills for the social
6 studies curriculum under Section 28.002(h-2) or the availability of
7 civics training programs does not occur in a manner that reasonably
8 affords public schools the ability to comply with that subsection
9 by an earlier school year. This subsection expires September 1,
10 2026.

11 (h) Nothing in this section may be construed as limiting the
12 teaching of or instruction in the essential knowledge and skills
13 adopted under Subchapter A, Chapter 28.

14 Sec. 21.4556. CIVICS TRAINING PROGRAM ADVISORY BOARD. (a)
15 The commissioner shall establish an advisory board to advise the
16 commissioner in developing the civics training programs under
17 Section 21.4555.

18 (b) The advisory board is composed of nine members appointed
19 by the commissioner.

20 (c) Each member must be a current or former educator with at
21 least 10 years of experience.

22 (d) Members are not entitled to reimbursement for travel or
23 other expenses.

24 (e) The advisory board is not subject to Chapter 551 or 552,
25 Government Code.

26 (f) Chapter 2110, Government Code, does not apply to the
27 advisory board.

1 SECTION 2. Section 26.006, Education Code, is amended by
2 adding Subsection (e) to read as follows:

3 (e) Each school district and open-enrollment charter school
4 that uses a learning management system or any online learning
5 portal to assign, distribute, present, or make available
6 instructional materials as defined by Section 31.002 to students
7 shall provide login credentials to the system or portal to each
8 student's parent.

9 SECTION 3. Section 28.002, Education Code, as effective
10 September 1, 2021, is amended by adding Subsections (h-2), (h-7),
11 and (h-8) to read as follows:

12 (h-2) In adopting the essential knowledge and skills for the
13 social studies curriculum for each grade level from kindergarten
14 through grade 12, the State Board of Education shall adopt
15 essential knowledge and skills that develop each student's civic
16 knowledge, including:

17 (1) an understanding of:

18 (A) the fundamental moral, political,
19 entrepreneurial, and intellectual foundations of the American
20 experiment in self-government;

21 (B) the history, qualities, traditions, and
22 features of civic engagement in the United States;

23 (C) the structure, function, and processes of
24 government institutions at the federal, state, and local levels;

25 and

26 (D) the founding documents of the United States;

27 (2) the ability to:

1 (A) analyze and determine the reliability of
2 information sources;

3 (B) formulate and articulate reasoned positions;

4 (C) understand the manner in which local, state,
5 and federal government works and operates through the use of
6 simulations and models of governmental and democratic processes;

7 (D) actively listen and engage in civil
8 discourse, including discourse with those with different
9 viewpoints; and

10 (E) participate as a citizen in a constitutional
11 democracy by voting; and

12 (3) an appreciation of:

13 (A) the importance and responsibility of
14 participating in civic life;

15 (B) a commitment to the United States and its
16 form of government; and

17 (C) a commitment to free speech and civil
18 discourse.

19 (h-7) The agency shall ensure that each school district or
20 open-enrollment charter school teaches civics education as part of
21 the district's social studies curriculum in a manner consistent
22 with the essential knowledge and skills adopted under Subsection
23 (h-2).

24 (h-8) Nothing in Subsection (h-2) or (h-7) may be construed
25 as limiting the teaching of or instruction in the essential
26 knowledge and skills adopted under this subchapter.

27 SECTION 4. Section 28.002(h-2), Education Code, as added by

1 H.B. 4509, Acts of the 87th Legislature, Regular Session, 2021, is
2 redesignated as Section 28.002(h-6), Education Code, to read as
3 follows:

4 (h-6) [~~(h-2)~~] In providing instruction regarding the
5 founding documents of the United States as described by Subsection
6 (h-1)(4), a school district or open-enrollment charter school shall
7 use those documents as part of the instructional materials for the
8 instruction.

9 SECTION 5. Subchapter A, Chapter 28, Education Code, is
10 amended by adding Section 28.0022 to read as follows:

11 Sec. 28.0022. CERTAIN INSTRUCTIONAL REQUIREMENTS AND
12 PROHIBITIONS. (a) For any course or subject, including an
13 innovative course, for a grade level from kindergarten through
14 grade 12:

15 (1) a teacher may not be compelled to discuss a widely
16 debated and currently controversial issue of public policy or
17 social affairs;

18 (2) a teacher who chooses to discuss a topic described
19 by Subdivision (1) shall explore that topic objectively and in a
20 manner free from political bias;

21 (3) a school district, open-enrollment charter
22 school, or teacher may not require, make part of a course, or award
23 a grade or course credit, including extra credit, for a student's:

24 (A) work for, affiliation with, or service
25 learning in association with any organization engaged in:

26 (i) lobbying for legislation at the
27 federal, state, or local level, if the student's duties involve

1 directly or indirectly attempting to influence social or public
2 policy or the outcome of legislation; or

3 (ii) social policy advocacy or public
4 policy advocacy;

5 (B) political activism, lobbying, or efforts to
6 persuade members of the legislative or executive branch at the
7 federal, state, or local level to take specific actions by direct
8 communication; or

9 (C) participation in any internship, practicum,
10 or similar activity involving social policy advocacy or public
11 policy advocacy; and

12 (4) a teacher, administrator, or other employee of a
13 state agency, school district, or open-enrollment charter school
14 may not:

15 (A) require or make part of a course inculcation
16 in the concept that:

17 (i) one race or sex is inherently superior
18 to another race or sex;

19 (ii) an individual, by virtue of the
20 individual's race or sex, is inherently racist, sexist, or
21 oppressive, whether consciously or unconsciously;

22 (iii) an individual should be discriminated
23 against or receive adverse treatment solely or partly because of
24 the individual's race or sex;

25 (iv) an individual's moral character,
26 standing, or worth is necessarily determined by the individual's
27 race or sex;

1 (v) an individual, by virtue of the
2 individual's race or sex, bears responsibility, blame, or guilt for
3 actions committed by other members of the same race or sex;

4 (vi) meritocracy or traits such as a hard
5 work ethic are racist or sexist or were created by members of a
6 particular race to oppress members of another race;

7 (vii) the advent of slavery in the
8 territory that is now the United States constituted the true
9 founding of the United States; or

10 (viii) with respect to their relationship
11 to American values, slavery and racism are anything other than
12 deviations from, betrayals of, or failures to live up to the
13 authentic founding principles of the United States, which include
14 liberty and equality;

15 (B) teach, instruct, or train any administrator,
16 teacher, or staff member of a state agency, school district, or
17 open-enrollment charter school to adopt a concept listed under
18 Paragraph (A); or

19 (C) require an understanding of the 1619 Project.

20 (b) Subsection (a)(3) does not apply to a student's
21 participation in:

22 (1) community charitable projects, such as building
23 community gardens, volunteering at local food banks, or other
24 service projects;

25 (2) an internship or practicum:

26 (A) for which the student receives course credit
27 under a career and technology education program or under the P-TECH

1 program established under Section 29.553; and

2 (B) that does not involve the student directly
3 engaging in lobbying, social policy advocacy, or public policy
4 advocacy; or

5 (3) a program that prepares the student for
6 participation and leadership in this country's democratic process
7 at the federal, state, or local level through the simulation of a
8 governmental process, including the development of public policy.

9 (c) A state agency, school district, or open-enrollment
10 charter school may not accept private funding for the purpose of
11 developing a curriculum, purchasing or selecting curriculum
12 materials, or providing teacher training or professional
13 development related to a concept listed in Subsection (a)(4)(A).

14 (d) A school district or open-enrollment charter school may
15 not implement, interpret, or enforce any rule in a manner that would
16 result in the punishment of a student for reasonably discussing the
17 concepts described by Subsection (a)(4) in school or during a
18 school-sponsored activity or have a chilling effect on reasonable
19 student discussions involving those concepts in school or during a
20 school-sponsored activity.

21 (e) Nothing in this section may be construed as limiting the
22 teaching of or instruction in the essential knowledge and skills
23 adopted under this subchapter.

24 (f) This section does not create a private cause of action
25 against a teacher, administrator, or other employee of a school
26 district or open-enrollment charter school. A school district or
27 open-enrollment charter school may take appropriate action

1 involving the employment of any teacher, administrator, or other
2 employee based on the individual's compliance with state and
3 federal laws and district policies.

4 (g) Nothing in this section may be construed as prohibiting
5 a teacher employed by a school district or open-enrollment charter
6 school from directing a classroom activity that involves students
7 communicating with an elected official so long as the district,
8 school, or teacher does not influence the content of a student's
9 communication.

10 SECTION 6. Sections 28.002(h-2), (h-3), (h-4), and (h-5),
11 as added by H.B. 3979, Acts of the 87th Legislature, Regular
12 Session, 2021, and effective September 1, 2021, are repealed.

13 SECTION 7. Section 28.002(h-2), Education Code, as added by
14 this Act, applies beginning with the 2022-2023 school year.

15 SECTION 8. Not later than December 31, 2022, the State Board
16 of Education shall review and revise, as needed, the essential
17 knowledge and skills of the social studies curriculum as required
18 by Section 28.002(h-2), Education Code, as added by this Act.

19 SECTION 9. During the revision of the essential knowledge
20 and skills for the social studies curriculum beginning in 2021 and
21 scheduled to conclude in or around 2023, the State Board of
22 Education may not use the removal by this Act of documents,
23 speeches, historical figures, and other knowledge and skills from
24 specific statutory reference in Section 28.002(h-2), Education
25 Code, as added by H.B. 3979, Acts of the 87th Legislature, Regular
26 Session, 2021, as a reason for the removal or noninclusion of those
27 documents, speeches, historical figures, or other knowledge and

1 skills from the essential knowledge and skills for the social
2 studies curriculum, including any essential knowledge and skills
3 that require an understanding of:

4 (1) the fundamental moral, political, and
5 intellectual foundations of the American experiment in
6 self-government;

7 (2) the history, qualities, traditions, and features
8 of civic engagement in the United States;

9 (3) the history of Native Americans;

10 (4) the structure, function, and processes of
11 government institutions at the federal, state, and local levels;

12 (5) the founding documents of the United States,
13 including:

14 (A) the Declaration of Independence;

15 (B) the United States Constitution; and

16 (C) the Federalist Papers;

17 (6) the contributions of Frederick Douglass;

18 (7) the Fugitive Slave Acts of 1793 and 1850;

19 (8) the Indian Removal Act;

20 (9) the political organizations that promoted the
21 Chicano movement;

22 (10) the impact of the women's suffrage and equal
23 rights movements;

24 (11) the history of white supremacy, including the
25 institution of slavery, the eugenics movement, and the Ku Klux
26 Klan, and the ways in which it is morally wrong;

27 (12) the history and importance of the civil rights

1 movement, including the following documents:

2 (A) Martin Luther King Jr.'s "Letter from a
3 Birmingham Jail" and "I Have a Dream" speech;

4 (B) the federal Civil Rights Act of 1964 (42
5 U.S.C. Section 2000a et seq.);

6 (C) the United States Supreme Court's decision in
7 *Brown v. Board of Education* (1954);

8 (D) the Emancipation Proclamation;

9 (E) the Thirteenth, Fourteenth, and Fifteenth
10 Amendments to the United States Constitution;

11 (F) the life and work of Cesar Chavez; and

12 (G) the life and work of Dolores Huerta;

13 (13) the history and importance of the women's
14 suffrage movement, including the following documents:

15 (A) the federal Voting Rights Act of 1965 (52
16 U.S.C. Section 10101 et seq.);

17 (B) the Fifteenth, Nineteenth, and Twenty-Sixth
18 Amendments to the United States Constitution;

19 (C) the role of Abigail Adams during the American
20 Revolution; and

21 (D) the works of Susan B. Anthony;

22 (14) the life and works of Dr. Hector P. Garcia;

23 (15) the League of United Latin American Citizens; and

24 (16) the United States Supreme Court's decision in
25 *Hernandez v. Texas* (1954).

26 SECTION 10. If any provision of this Act or its application
27 to any person or circumstance is held invalid, the invalidity does

1 not affect other provisions or applications of this Act that can be
2 given effect without the invalid provision or application, and to
3 this end the provisions of this Act are declared to be severable.

4 SECTION 11. If this Act receives a vote of two-thirds of all
5 the members elected to each house, as provided by Section 39,
6 Article III, Texas Constitution, this Act takes effect on the first
7 day that occurs after August 31, 2021, and is on or after the
8 earliest date on which this Act may take effect. If this Act does
9 not receive the vote necessary for effect on that date, this Act
10 takes effect on the 91st day after the last day of the legislative
11 session.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 3 passed the Senate on August 11, 2021, by the following vote: Yeas 18, Nays 11; and that the Senate concurred in House amendments on September 2, 2021, by the following vote: Yeas 18, Nays 13.

Secretary of the Senate

I hereby certify that S.B. No. 3 passed the House, with amendments, on September 2, 2021, by the following vote: Yeas 84, Nays 41, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor